

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COLOPLAST A/S.,

**Plaintiff,**

V.

## GENERIC MEDICAL DEVICES, INC.,

## Defendant.

No. \_\_\_\_\_

# **COMPLAINT FOR PATENT INFRINGEMENT**

## **JURY DEMAND**

Plaintiff Coloplast A/S for its Complaint against Generic Medical Devices, Inc. alleges as follows:

## PARTIES

1. Plaintiff Coloplast A/S (“Coloplast”) is a Danish corporation headquartered in Humlebaek, Denmark. Coloplast has a subsidiary, Coloplast Corp., which operates in the United States and is headquartered in Minneapolis, Minnesota.

2. Defendant Generic Medical Devices, Inc. (“GMD”), on information and belief, is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 5727 Baker Way NW, Suite 201, Gig Harbor, Washington 98332.

COMPLAINT - 1

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**JURISDICTION AND VENUE**  
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3. This is an action for patent infringement arising under the patent laws of the  
United States, 35 U.S.C. § 1, *et seq.*

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2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
§§ 1331 and 1338(a).

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3. This Court has personal jurisdiction over GMD because, on information and  
belief, GMD transacts business and has continuous and systematic contacts in this district,  
maintains an ongoing presence within this district, and has purposefully availed itself of the  
privileges and benefits of the laws of the state of Washington.

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6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c),  
and 1400(b).

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**PATENTS-IN-SUIT**  
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7. On October 28, 2003, United States Patent No. 6,638,211 (“the ’211 patent”),  
entitled “Method for Treating Urinary Incontinence in Women and Implantable Device Intended  
to Correct Urinary Incontinence,” was duly and legally issued by the United States Patent and  
Trademark Office. Coloplast was assigned and continues to hold all right, title, and interest in  
the ’211 patent. A true and correct copy of the ’211 patent is attached as Exhibit A to this  
Complaint.

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8. On November 24, 2009, United States Patent No. 7,621,864 (“the ’864 patent”),  
entitled “Method for Treating Urinary Incontinence in Women and Implantable Device Intended  
to Correct Urinary Incontinence,” was duly and legally issued by the United States Patent and  
Trademark Office. Coloplast was assigned and continues to hold all right, title, and interest in  
the ’864 patent. A true and correct copy of the ’864 patent is attached as Exhibit B to this  
Complaint.

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**FIRST CAUSE OF ACTION**  
**INFRINGEMENT OF U.S. PATENT NO. 6,638,211**

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9. Coloplast realleges and incorporates by reference paragraphs 1 through 8 as if  
fully stated herein.

10. GMD, on information and belief, markets female urinary incontinence sling  
systems that are used by medical professionals in practicing a transobturator surgical technique  
("GMD sling systems") covered by one or more claims of the '211 patent. The GMD sling  
systems include the GMD Universal Female Urinary Incontinence Sling System. The  
components offered under the GMD Universal Female Urinary Incontinence Sling System label  
are shown in a product brochure available at [www.gmd-us.com/products/](http://www.gmd-us.com/products/) and are also  
reproduced below:

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**UNIVERSAL SLING**

Code:	Description:
1010	1 GMD Universal Urinary Incontinence Sling

Just pick your reusable trocar to use  
with the Universal Sling Assembly



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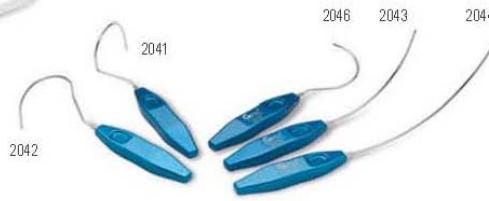
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**REUSABLE TROCARs**

Code:	Description:
2041	Right Spiral
2042	Left Spiral
2043	Short Curve
2044	Long Curve
2046	Large Hook



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**SINGLE-USE PRODUCTS**

Code:	Description:
1015	1 GMD Universal Urinary Incontinence Sling and Single-Use Trocar Kit



11. GMD, on information and belief, has knowledge of the '211 patent and, in  
marketing and selling its GMD sling systems, encourages and/or instructs third parties, including  
medical professionals, to use GMD sling systems in a manner that infringes at least one claim of  
the '211 patent.

12. Accordingly, GMD, on information and belief, has infringed and is infringing the  
'211 patent in violation of 35 U.S.C. § 271 by using GMD sling systems with a transobturator

1 surgical technique, actively inducing medical professionals to use GMD sling systems with a  
2 transobturator surgical technique, and/or contributing to the surgical use of GMD sling systems  
3 with a transobturator technique.  
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5 13. GMD's acts of infringement have caused and continue to cause damage to  
6 Coloplast, and Coloplast is entitled to recover from GMD the damages sustained by Coloplast in  
7 an amount subject to proof at trial. GMD's acts of infringement will irreparably injure Coloplast  
8 unless and until such infringing activities are enjoined by this Court.  
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15 **SECOND CAUSE OF ACTION**  
16 **INFRINGEMENT OF U.S. PATENT NO. 7,621,864**  
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18 14. Coloplast realleges and incorporates by reference paragraphs 1 through 13 as if  
19 fully stated herein.  
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21 15. GMD, on information and belief, has knowledge of the '864 patent and, in  
22 marketing and selling its GMD sling systems, encourages and/or instructs third parties, including  
23 medical professionals, to use GMD sling systems in a manner that infringes at least one claim of  
24 the '864 patent.  
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26 16. Accordingly, GMD, on information and belief, has infringed and is infringing the  
27 '864 patent in violation of 35 U.S.C. § 271 by using GMD sling systems with a transobturator  
28 surgical technique, actively inducing medical professionals to use GMD sling systems with a  
29 transobturator surgical technique, and/or contributing to the surgical use of GMD sling systems  
30 with a transobturator technique.  
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32 17. GMD's acts of infringement have caused and continue to cause damage to  
33 Coloplast, and Coloplast is entitled to recover from GMD the damages sustained by Coloplast in  
34 an amount subject to proof at trial. GMD's acts of infringement will irreparably injure Coloplast  
35 unless and until such infringing activities are enjoined by this Court.  
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40 **PRAYER FOR RELIEF**  
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42 50 WHEREFORE, Coloplast respectfully requests this Court:  
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COMPLAINT – 4

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

A. To enter judgment that GMD has infringed the '211 and '864 patents in violation of 35 U.S.C. § 271;

B. To enter orders preliminarily and permanently enjoining GMD, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of the foregoing, who receive actual notice by personal service or otherwise of the orders, from infringing the '211 and '864 patents in violation of 35 U.S.C. § 271;

C. To award Coloplast its damages in amounts sufficient to compensate it for GMD's infringement of the '211 and '864 patents, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;

D. To declare this case to be “exceptional” under 35 U.S.C. § 285 and to award Coloplast its attorneys’ fees, expenses, and costs incurred in this action; and

E. To award Coloplast such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Coloplast respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

**DATED** this 8th day of February, 2010

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